

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CHARLES ZIEGENFUSS, DAVID MONTGOMERY,
BRIAN ROBINSON, and FIREARMS POLICY
COALITION, INC.,

Plaintiffs,

v.

FREEMAN MARTIN, in his official capacity as
Director and Colonel of the Texas Department
of Public Safety,

Defendant.

CIVIL ACTION NO. 4:24-cv-01049

DEFENDANT'S CROSS MOTION FOR SUMMARY JUDGMENT

Defendant Freeman Martin, in his official capacity as Director and Colonel of the Texas Department of Public Safety, by and through the Attorney General of the State of Texas, hereby move this Court for an order granting him Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.3.

SUMMARY

Defendant respectfully requests the Court grant summary judgment in his favor and dismiss Plaintiffs' single claim brought under § 1983 contending that Defendant has or is infringing Plaintiffs' Second Amendment rights. *See* ECF No. 1 at 11-13. Defendant defends this action on the basis of three justiciability arguments: 1) as a state official, Defendant enjoys sovereign immunity from this suit; 2) Plaintiffs lack a viable cause of action against Defendant under § 1983 and have not raised any other cause of action; 3) Plaintiffs lack Article III standing. Defendant does not contest the underlying merits but is confident that this Court need not reach them.

This Motion is supported by Defendant's Brief in Support of its Cross Motion for Summary Judgment, which sets forth the argument and authorities on which Defendant relies and contains the matters required by Local Rule 56.3, and by a short Appendix, which is in conformity with Local Rule 56.6.

Date: April 16, 2025,

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Respectfully submitted.

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(a), I hereby certify that on April 16, 2025, a true and correct copy of the above and foregoing document has been served using the CM/ECF system to all counsel and parties of record.

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**Application for admission forthcoming*

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